

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division

In re:)	Chapter 11
)	
Circuit City Stores, Inc., <u>et al.</u> ,)	Case No. 08-35653
)	
Debtors.)	(Jointly Administered)
_____)	
)	
NINA WINSTON, Administrator of the)	
Estate of DAVID WINSTON, deceased,)	
)	
Movant,)	
)	
v.)	
)	
CIRCUIT CITY STORES, INC., et al.,)	
)	
_____ Respondents.)	

CONSENT ORDER MODIFYING THE AUTOMATIC STAY

This matter came before the Court upon the Motion for Relief From Automatic Stay (the "Motion") filed on behalf of Nina Winston, Administrator of the Estate of David Winston, Deceased, by Christopher L. Perkins. After review of the Motion and statements therein, the Court finds that (i) adequate notice of the Motion has been provided; (ii) jurisdiction and venue are proper; (iii) this is a core proceeding; and (iv) good cause, as set forth in the Motion, exists to grant the relief requested, and with the parties having reached a consensual agreement with respect to the Motion, For good cause shown, it is therefore ORDERED, ADJUDGED AND DECREED THAT:

1. The automatic stay provided in 11 U.S.C. § 362 is hereby modified for the limited purpose of permitting Nina Winston, Administrator of the Estate of David Winston, Deceased (the "Plaintiff"), to proceed with her claims against Debtors and other defendants

in Civil Action No. 1:07-CV-01087-REB-CBS pending the United States District Court for the District of Colorado (the "Lawsuit") with her recovery, if any, from the Debtors solely limited to the proceeds of any insurance coverage available to the Debtors.

2. Except for proceeding against the Debtors for the proceeds of any insurance coverage available to the Debtors in the Lawsuit, the Plaintiff shall not seek to execute upon or attach any property of the bankruptcy estate without further of this Court.

3. The automatic stay provided in 11 U.S.C. § 362 shall remain in full force and effect except as specifically provided herein.

4. The ten (10) day stay provided for by Federal Rule of Bankruptcy Procedure 4001(a)(3) is hereby waived.

ENTERED:

UNITED STATES BANKRUPTCY JUDGE

WE ASK FOR THIS:

/s/ Christopher L. Perkins

Christopher L. Perkins (Va. Bar No. 41783)

LECLAIR RYAN

Riverfront Plaza, East Tower

951 East Byrd Street, Eighth Floor

Richmond, Virginia 23219

(804) 783-7550

(804) 783-7686 – Fax

Counsel for Nina Winston, Administrator of the Estate of David Winston, Deceased

and

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP

Gregg M. Galardi, Esq.

Ian S. Fredericks, Esq.

P.O. Box 636

Wilmington, Delaware 19899-0636

(302) 651-3000

- and –

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP

Chris L. Dickerson, Esq.

155 North Wacker Drive

Chicago, Illinois 60606

(312) 407-0700

- and –

MCGUIREWOODS LLP

/s/ Douglas M. Foley

Dion W. Hayes (VSB No. 34304)

Douglas M. Foley (VSB No. 34364)

One James Center

901 E. Cary Street

Richmond, Virginia 23219

(804) 775-1000

Counsel for Debtors and Debtors in Possession

LOCAL RULE 9022-1 CERTIFICATION

I HEREBY CERTIFY that the foregoing has been either endorsed by or served upon all necessary parties.

/s/ Christopher L. Perkins
Christopher L. Perkins

\9610788.1